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OFFICE OF PETITIONS

Applicant: Rosler et al.

Appl. No.: 10/562,678

International Filing Date: July 9, 2004

Title: METHOD FOR MACHINING A WORKPIECE MADE FROM A TITANIUM-BASED ALLOY

Attorney Docket No.: P29080

Pub. No.: US 2006/0157542 A1

Pub. Date: July 20, 2006

This is a decision on the paper requesting a corrected publication under 37 CFR 1.221(b) received on June 13, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication as the first inventor's name and residence "Joachim Roesler, Braunschweig" is misprinted as "Joachim Rosler, Lammer Heide" and the second inventor's name and residence Martin Backer, Braunschweig" is misprinted as "Martin Baker, Sandkamp."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221. The inventor's names are spelled as they appear on the oath/declaration. The errors with respect to the cities of residence are not material Office errors under 37 CFR 1.221. The errors do not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On April 11, 2006, a Filing Receipt was mailed by the Office, which listed the inventor's names and residences as published on the front page of the publication. To avoid this type of problem or to make a change in the inventor's names in the future, applicant's representative should make request a corrected filing receipt along with a supplemental application data sheet.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



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